



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

WOODS FULLER SHULTZ & SMITH PC
ATTN: JEFFREY A. PROEHL
P. O. BOX 5027
SIOUX FALLS, SD 57117

COPY MAILED

APR 19 2007

OFFICE OF PETITIONS

In re Application of :
Robert Wakley :
Application No. 10/645,464 : DECISION GRANTING PETITION
Filed: August 21, 2003 : UNDER 37 CFR 1.137(b)
Attorney Docket No. 23-0282 :

This is a decision on the petition under 37 CFR 1.137(b), filed September 8, 2006, to revive the above-identified application.


The petition is **GRANTED**.

The above-identified application became abandoned for failure to reply within the meaning of 37 CFR 1.113 in a timely manner to the final Office action mailed August 19, 2005, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the above-identified application became abandoned on November 20, 2005. A Notice of Abandonment was mailed on April 18, 2006.

The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply (request for continued examination (RCE), \$395 fee therefor, and submission as required by 37 CFR 1.114), (2) the \$750 petition fee, and (3) the required statement of unintentional delay have been received. Accordingly, the reply to the final Office action of August 19, 2005 is accepted as having been unintentionally delayed.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3218.

This matter is being referred to Technology Center AU 3618 for processing the RCE and for appropriate action in the normal course of business on the amendment received September 8, 2006.


Frances Hicks
Petitions Examiner
Office of Petitions